

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 95-905-T - ORDER NO. 96-613
SEPTEMBER 6, 1996

IN RE: Application of COASTAL RAPID PUBLIC)	ORDER
TRANSIT AUTHORITY, 1418 Third Avenue,)	GRANTING
Conway, SC 29526, for a Class A)	WAIVER
Certificate of Public Convenience)	
and Necessity)	

This matter comes before the Public Service Commission of South Carolina ("the Commission") on the request of Coastal Rapid Public Transit Authority (CRPTA) for waiver of Commission Regulation 103-171(1) which requires the filing of a Form E as proof of bodily injury and property damage insurance.

Our Order No. 95-1706, dated November 27, 1995, approved the Application and granted a Certificate of Public Convenience and Necessity to the Coastal Rapid Public Transit Authority. Commission Regulation 103-170 states that before any Certificate can be issued, the motor carrier must file and have accepted by the Commission evidence of an insurance policy or surety bond, which shall be applicable for any bodily injuries or property damage suffered as a result of the operation of a motor carrier. Further, Regulation 103-171(1) requires that the carrier file evidence of bodily injury and property damage insurance on Form E which is the "Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance."

CRPTA, by letter dated August 28, 1996, officially requests a waiver of the Form E requirement. CRPTA states that it is making the request because its insurance coverage will be with the South Carolina Insurance Reserve Fund until at least July 8, 1997. Attached to the letter of CRPTA, and by way of further explanation, is a letter from Luther F. Carter of the State Budget and Control Board dated August 16, 1996. The letter states that, while it would continue insuring CRPTA through the Insurance Reserve Fund until July 8, 1997, that it is not authorized to issue a Form E, because it is not licensed as an insurer in the State of South Carolina, and that only a licensed insurer can make a Form E filing with the Commission. CRPTA states that if the Commission denies waiver of the Form E, it will have to borrow the premium amount for a conventional insurance policy from a company that could file the Form E.

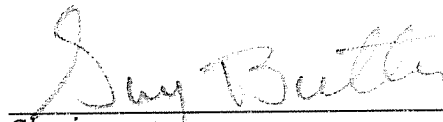
Regulation 103-101(2) provides that Commission Regulations are subject to such exceptions as may be considered just and reasonable in individual cases when strict compliance with any rule or rules produces unusual difficulty and is not in the public interest. We have examined the Company's request in light of the waiver regulation, and we believe that the present situation is one of unusual difficulty in that it would not be in the public interest to require CRPTA to file a Form E with this Commission, because of the added expense. The Insurance Reserve Fund can provide the necessary insurance coverage, even though it cannot provide the Form E. We, therefore, grant the

requested waiver of the filing of a Form E.

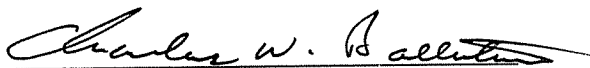
However, in doing so, we caution CRPTA that it shall be responsible for notifying us of any lapses in coverage of insurance from the Insurance Reserve Fund. Further, we would request that the Budget and Control Board, in addition, notify us of any lapse in insurance coverage of CRPTA with the Insurance Reserve Fund.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director
(SEAL)